

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31964-2025
Reserved on: 11.09.2025
Pronounced on: 17.09.2025

Sameer ...Petitioner

Versus

State of U.T. Chandigarh ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Amit Kumar, Advocate,
for the petitioner.

Mr. N.K. Vashisth, Addl. P.P. UT Chandigarh.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
47	26.03.2025	Sector 39, Chandigarh	126(2), 118(2), 351, 3(5) and 324(3) of BNS

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. As per Note-4 of the bail petition, the petitioner has no criminal antecedents. However, as per para 5-J of the status report, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	88	11.06.2024	147, 148, 149, 323, 341, 427, 452 and 506 IPC	-
2.	90	13.07.2025	21 and 29 of NDPS Act	-

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

"3. That the brief facts of the case are that as per the statement of the victim Jaskaran Singh "It is submitted that I am residing at above said address and doing Private work, on 23/03/2025 I came out from my house for washing my Thar Car bearing registration no.PB12 AG 2345 at about 03:30 pm and when I reached near Prajapati Bhawan, Sector 38 at about 03:45 pm, I saw one driver of Honda City car was driving in zig zag manner, I asked him to drive properly, otherwise accident can happen, who stopped his car in front of my car and three boys came out from his car. I close the window of my car, then one boy came from other side and pelted stone on the front screen of my car, which broken the glass of my car and stone came inside my car, that one stone hit rear glass of my car and stone came inside the car, that

glass of driver side window was also broken with punch and one boy broken the glass of conductor side. The driver of Honda City caused injury on my right arm and right side of chest with knife like weapon. I also sustained injuries on right side of my face, nose and ear. One boy who came out from Polo Car broken the glass of front and back side of my car. They stopped my way, caused injuries to me and also snatched my Samsung Flip 3 black colour mobile, Sim No. 58553xxx and my gold chain 14 Gm. while they were running from the spot one boy said Haseen, Batti, Vassu run away, then one boy said Sameer you too run with your car, otherwise police will come and they will apprehend us. They also threatened me while going. I noted down the number of white Honda City Car CH01CA156 and number of other white Polo car was CH01AF1929 these boys ran away from the spot in their respective cars, these boys caused injuries to me, I shouted Bachao Bachao, thereafter I came to my home. My parents called the police and I went to GH-16 for treatment, I could not record my statement earlier, today I am well, you came at my house for recording of my statement, I got recorded my statement to you, Legal action be taken against Sameer, Haseen, Batti, and Vassu, I can identify them if.". On the statement of the Victim Jaskaran Singh the above mentioned FIR is registered against the accused person including the petitioner."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial quantity, or violates S. 19, or 24, or 27-A of the NDPS Act, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to the reply.

7. It would be appropriate to refer to the following portions of the reply, which reads as follows:

*"5. G. The evidence against the petitioner- Piece of Cement Brick.
H. The role of the petitioner- The petitioner pelted stone on the front screen of Thar Vehicle, which broken the glass of car and stone came inside car, that one stone hit rear glass of car and stone came inside the car."*

REASONING:

8. Allegations of pelting stone on the Thar of the victim are against the petitioner and no injury attributed to petitioner. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage, but is analyzing it for the stage of anticipatory bail. An analysis of the abovedoes

not justify custodial interrogation or pre-trial incarceration.

9. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.¹ Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.² Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.³

10. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations, role attributed and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

11. The investigation indicates that the petitioner is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

12. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

13. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

14. This order is subject to the petitioner's complying with the following terms.

¹Supreme Court of India in Vaman Narain Ghiya v. state of Rajasthan, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

² Supreme Court of India in SiddharamSatlingappaMhetre v. State of Maharashtra, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

³ Supreme Court of India in *Babu Singh &ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.

15. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

16. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

17. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

18. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

19. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial, or violates S. 19, or 24, or 27-A of the NDPS Act, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

20. Any observation made hereinabove is neither an expression of opinion on the case's

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merits nor shall the trial Court advert to these comments.

21. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Appellant-Accused can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

22. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

17.09.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.